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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/022,693

12/17/2001

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427600600056

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7590

04/09/2003

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EXAMINER

NEILS, PEGGY A

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/022,693

Applicant(s)

JENSEN ET AL.

Examiner

Peggy A. Neils

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2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-8 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Blackerby.

Lin shows an ornamental lighting display which includes a vertically elongated lamp structure 2, a horizontally elongated base 3 which supports the lamp structure and defines a battery compartment which receives two batteries 12 in a row in an end to end horizontal position. Contacts 111 and 112 are shown at opposite ends of the battery compartment. Blackerby teaches that it is known in the art to have an ornamental lighting display which is in the shape of a translucent candle with an LED as the light source. It would have been obvious to one skilled in the art that Lin could be modified to have a candle-shaped translucent lamp structure 30 with an LED in the same manner as taught by Blackerby because both references are directed to ornamental light displays.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin and Blackerby as applied to claim 1 above, and further in view of Morrison.

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Morrison teaches that it is known in the art to have a lamp apparatus configured as a candle which includes a translucent candlestick-shaped tube 30(d). It would have been obvious to one skilled in the art that the display device of Lin could be modified to have a translucent candlestick-shaped tube in the same manner as taught by Morrison because both references are directed to ornamental lighting displays.

***Allowable Subject Matter***

4. Claims 5-8 are allowed.
5. The following is an examiner's statement of reasons for allowance: Claims 5-8 are allowable over the prior art because Claim 5 sets forth a lamp apparatus which includes a vertically elongated candlestick structure having a pair of opposed guide structures at the inner wall surface of the candlestick structure with a vertically elongated circuit board having upper and lower edges received by the guide structures with a light source electrically connected to the circuit board and positioned above the upper edge of the circuit board. This combination of limitations was not shown or suggested by the prior art.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lederer, Chung, and Mininno et al are cited on interest for showing various ornamental displays.

7. Any questions regarding this Office action should be directed to Examiner Neils at (703) 308-6554.

  
**Y. MY QUACH-LEE**  
**PRIMARY EXAMINER**